

1893-013
Lee Co.

Chancery Causes: Charles E. Baylor vs. George H. Wilbourne &c

Henegar

CA-Debt

T-Property

To the Hon. J. S. K. Morison Judge of the Circuit
Court of Lee County Virginia:

Humbly complaining your Orator Charles E.
Raylor a citizen of said county. Would respectfully re-
present, That on the 14th day of November 1891 he obtained
two judgments at law, before one by mes R. Taylor, a Justice
of the Peace for said County, against one George H. Wilburne
likewise a citizen of said County, amounting in the
aggregate to \$37.54 and said judgments are herewith
filed as parts hereof marked (A & B) respectively

By the first of said judgments your Orator recovered
against said Wilburne \$25.88 of principal money and \$1.00 for cost
and by the second \$6.66 of principal money and one dollar for costs
amounting as before stated to \$37.54

Your Orator states, that the said Justice of the Peace at the
time he rendered said two judgments, neglected and failed
to give him interest upon the two principal sums for
which he so rendered judgment, as was his duty to do, at
least from the day of the rendition thereof, and since
said judgments were rendered on the 14th day of Nov.
1891, your Orator alleges that he is entitled to interest
on \$35.54 the principal of said two judgments, from Nov. the
14 1891 till paid.

Your Orator states that Executions were issued upon
said two judgments at law by the said Justice who rendered
the same, and that they went into the hands of one
J. M. Thompson a constable of the said County, who under
return thereon, "No personal property found."

Your Orator states that the whole of said two judgments
is now due and owing to him from said Geo. H. Wilburne
no part thereof ever having been paid by him or any one else

Your Orator states that said George H. Wilburne is the
owner of ^{two small} a small tract of land ^{adjoining each other} on which he now lives
containing about 28 acres more or less, and lies about

Twelve miles west of Jonesville and adjoin the lands
of N. H. Morgan & others.

Your Orator states that said land was conveyed to
said Hilbourn by said Morgan but that said Hilbourn
for reasons known to himself, has neglected and failed
to have his said deed of conveyance recorded:

Your Orator now states, that the said two judgments
at law due him from said Hilbourn operate under an
statute as liens upon said tract of land, and that the
same will not in 5 years time out for a sum sufficient
to pay said judgments at law and the costs of suit and
renting and that it is the province of a court of Equity
to enforce liens like this, by decreeing said lands to be
sold to pay said judgments and costs, and to attain that
end is the object of this bill:

The premises considered your Orator prays that the
said George H. Hilbourn and N. H. Morgan be made defendants
to this bill and be required to answer the same on oath
and upon a hearing thereof a decree be entered against
said G. H. Hilbourn in favor of your Orator for \$37.54 with
legal interest on \$35.54 from Nov. 14 1891 till paid and the
costs, and that said small tract of land be decreed to
be sold to pay the same, and if in any wise mistaken
in this his Special prayer then your Orator prays
for all general relief. May the Commonwealth
writ of Habeas corpus directed &c.

Henry J. Morgan for Pet.

C 8.56

S 2.00

A 15.00

Estimate

E. Hays

Orig - Bill

George H. Hillman on

12 1st March Rules Bill

Rule 6 Sha not End
in time talar wood

21 March Rules Contd

12 April " "

1st May Rules alias Sha
Exd + D. Chis

2nd May Rules D. Chis

Trifd + Cause set for
hearing on 21st

Decree for Sale
and continued

1892 Nov. Contd

1893 Mr. Secre fines

Virginia, Lee County, To Wit

TO J. M. Thompson CONSTABLE OF SAID COUNTY:

I HEREBY COMMAND YOU TO SUMMON George Wilborn if to be found in your

District to appear at my office in said County, on the 4 day of Nov 1891 before me or such other Justice of said County as may then be directed to try this Warrant; to answer the complaint of C. E. Boyler and upon a claim for money not exceeding \$100.00 (one hundred dollars) to wit: for the sum of \$9.10 due by late And then and there make return of this Warrant. Given under my hand, the 12 day of Nov 1891 C. R. Lyles J. P.

On the 4 day of Nov 1891

AGAINST

In Debt.

At my office in said County.

JUDGMENT. That the plaintiff recover of George Wilborn the sum of 9.10 dollars and costs of 18 till paid; and \$1.00 for costs. C. R. Lyles J. P.

VIRGINIA, LEE COUNTY-Y-TO WIT: TO J. M. Thompson Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattels of Geo. H. Wilborn in your county you cause to be made the sum of \$6.66 with interest from the 14 day of 18 till paid; which Geo. H. Wilborn has recovered before me in a warrant in cell and also the sum of \$1.00 which were judged to the said Geo. H. Wilborn for costs in prosecuting said warrant. Given under my hand the 14 day of Nov 1891 C. R. Lyles J. P.

J. H. Hobbs, Printer, Rose Hill, Va.

vs. Bayles
George Wilborn

C. E. Bayles
vs. { Warrant
Geo. H. Wilborn

Ex parte Jan
13th 1891

H. M. Thompson
C. E. C.

No personal
property found

J. M. Thompson
C. E. C.

(B)

Virginia, Lee County, To Wit

J. M. Shamfear CONSTABLE OF SAID COUNTY:
I HEREBY COMMAND YOU TO SUMMON *George Wilson* if to be found in your
District to appear at *my office* in said County, on the *14* day of *Nov* 188*1* before me or such other Justice
of said County as may then be there to try this Warrant: to answer the complaint of *C. E. Bayler*
and upon a claim for money not exceeding \$100.00 exchange of trust, to wit: for the sum of \$*24.75* due by *note* And then
and there make return of this Warrant. Given under my hand, the *13* day of *Nov* 188*1* *C. H. Gyles* J. P.

On the *14* day of *Nov* 188*1*
AGAINST } In Debt.
At *my office* in said County.
JUDGMENT. That the plaintiff recover of *George Wilson* \$*28.80* with interest thereon from the *13* day of *Nov* 188*1* till paid; and \$..... for costs.
C. H. Gyles J. P.

VIRGINIA, LEE COUNTY-TO WIT: TO *J. M. Shamfear* Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattels of *Geo. H. Wilkie*
in your county you cause to be made the sum of \$*28.80* with interest from the *13* day of *Nov* 188*1* till paid; which
has recovered before me in a warrant in debt and also the sum of \$*1.00* which were judged to the
said *C. E. Bayler* for costs in prosecuting said warrant. Given under my hand the *14* day of *Nov* 188*1* *C. H. Gyles* J. P.

Warrant - C. E. Bayler
George Willson D.

C. E. Bayler
vs { Warrant
Geo H Willson

Ex parte
Jan 13th 1891
J M Thompson

C. E. C.
No personal
property
found
J M Thompson
C. E. C.

(A)

Charles E. Bayler Plff
vs.
George H. Wilbourn Dft } In lch

On calling this cause at the present term It was announced at the bar by the Counsel of the Plff that the judgments at law, to enforce the payment of which had been fully paid by the defendant together with the costs of suit, without selling the land. Therefore decreed to be sold in this cause. It is therefore adjudged ordered and decreed, that the parties be hence dismissed and the cause stricken from the docket.

Chas E. Bayler

v. { Deane No. 2 Final

George H. Kilbourne

Entered Chas O.B.
page 438, March
8th 1893. J. A. Hyatt & Co

Entered this
March 8, 1893 -

K. S. M.

C. E. Baylor Plff
vs.
H. Walburn & Co. Dfts } In Chy

This cause came on this day to be heard on the bill of the plff and Exhibits therewith, taken & confessed by the dfts, - - - - -
- - - - - and
was argued by counsel. On consideration whereof it is adjudged ordered and decreed that the Plff recover against the dft H. Walburn the sum of \$37.54 with legal interest on \$35.54 thereof from Nov. 14 1891, till paid and the costs of this suit, and it appearing to the court that the two judgments at law in the bill mentioned amounting in the aggregate to the sum above decreed the plaintiff operate as liens on the 28 acres tract of land on which the dft Walburn resides & that the same is liable to be taken and applied to the payment of said sum and the costs of suit, It is therefore adjudged ordered and decreed, that unless the dft, Walburn or some one for him, shall pay to the plaintiff the sum above decreed him, within 20 days from this date, then that the tract of land in the bill mentioned or so much thereof as may be necessary be sold on a credit of 6 months with interest from day of sale but the cost of suit and sale is required to be paid in hand. Said sale shall be made at the Court door of the Court house of San County on some court day

at public Auction to the highest bidder and after
 said sale shall have been advertised 30 days
 prior thereto showing time terms and place of
 sale. And J. A. G. Hyatt is appointed a commissioner
 to make said sale who before doing so is required
 to execute bond before the Court in the sum of \$100. with
 security with caution to account for all money
 he may receive in the cause. He will report
 his action to the Court and the cause is continued

L. E. Bayles

vs. { Deane No 1

A. H. Kelburne et al

Entered Chas. O. B.
 page 408. filed 10/10/92
 J. A. G. Hyatt

Entered this
 June 10 1892

J. A. G. Hyatt

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting

We Command You to Summon

George H. Willbourne
and W. H. Henegar

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *Charles E. Baylon*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.
This *16th* day of *February* 18*92*, in the 11*6* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(H. J. M.)

Charles E. Baylon

vs ³/₄ Spain Chey

George H. Wilbourn et al

To 1st March Rules 1892

Executed by
Delivering an
official Copy of
the within Summons
to George H. Wilbourn
& N. W. Kenegar this
Mch 5-1892.

J. H. Weston D. S.
for C. E. Alanary
S. L. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF LEE COUNTY GREETING:

again
We Command You to Summon

George W. Milbourne

and A. H. Denager

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in
May next, being rule day to answer a bill in Chancery exhibited in our said Court against
..... *them* by

Chas. E. Baylor

And have then and there this writ Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This *20th*
day of *April* 18*92*, in the 11*6* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

H. M.

Chas E. Bayles
3 Alvin Spa
203 In Chauncy

Geo. W. Wilbourne

To 1st May Rules 1892

executed by Delivering
an office Copy of
the within Summary
to George W. Wilbourne
and N. H. Hargan.

this April 30 - 1892.

J. H. Watson & S. for
C. E. Delany &
S. L. L.